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February 8, 2024

**VIA ECF**

The Honorable Arun Subramanian, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, New York 10007

Re: *King Range, Jr. v. Spring Green LLC and Diesel U.S.A., Inc.*  
Case No. 1:22-cv-10381-AS

Dear Judge Subramanian:

We represent defendant Diesel U.S.A., Inc. in this case. We write jointly with plaintiff King Range, Jr. and co-defendant Spring Green LLC to respectfully request an extension of time for the parties to submit a proposed joint pretrial order and other required pretrial filings. The Parties also ask that the Court refer this matter to this District's Mediation Program as the prior referral was closed on December 13, 2023. *See*, ECF No. 37. This is the first request for an extension of time to submit a proposed joint pretrial order and other required pretrial filings.

Counsel for the parties have met and conferred regarding further settlement negotiations and make this adjournment request as the Parties desire to mediate this case, and would like the Court's assistance in this regard. *See*, Order, dated December 18, 2023, ECF No. 39. Counsel for the parties agree that prior efforts to conduct the mediation were frustrated by scheduling issues around the year-end holidays (*see*, Final Report of Mediator, dated December 13, 2023, ECF No. 37) and not by any lack of good faith intent to resolve this matter and certainly not as the result of "one or both parties['] fail[ure], refus[al] to attend, or refus[al] to participate in the mediation." *Id.* In fact, in the most recent discussions among counsel prior to the issuance of the Final Report of Mediator at issue, the Parties were exploring dates in February 2024 (*i.e.* this month) for the mediation. Further on that point, the Court's Mediation office had emailed all counsel requesting that we provide available dates for the mediation after January 15, 2024.

In light of these circumstances, which the parties respectfully submit constitute good cause, we respectfully request an extension of time of sixty (60) days for the parties' submission of the joint pretrial order and the attendant pretrial dates and deadlines. This timeframe will allow the parties time to coordinate with the Court's Mediation office, to schedule and conduct the intended

Hon. Arun Subramanian, U.S.D.J.  
U.S. District Court, S.D.N.Y.  
February 8, 2024  
Page 2 of 2

mediation session in this case, and to hopefully avoid the expenditure of resources by the parties, counsel, and Court related to a trial.

If granted, this adjournment request will impact the following scheduled dates set forth on the Scheduling Order dated January 16, 2024, ECF No. 42.

1. *Proposed Joint Pretrial Order and Pretrial Filings due by February 9, 2024*
2. *Final Pretrial Conference set for April 4, 2024*
3. *Trial set to begin on April 29, 2024.*

The parties confirmed their renewed agreement to mediate this matter just earlier today, so were unable to make this request previously. Nevertheless, the parties apologize to the Court for any delay in this request. Counsel for the parties appreciate the Court's attention to this matter and are available at the Court's convenience should it have any questions.

Respectfully Submitted,

GORDON REES  
SCULLY MANSUKHANI, LLP

/s/ David J. Grech

David J. Grech

To: All counsel of record (via ECF)

If the parties wish to mediate this case, they should jointly respond to the mediation office providing their availability.

The trial date is firm and will not be moved for settlement discussions. So the parties should work towards a deal with alacrity. But the Court will grant a 30-day extension for all pretrial material. The proposed pretrial order and related filings are now due March 8, 2024 at 5PM and any oppositions are due March 25, 2024 at 5PM.

The Clerk of Court is directed to terminate the motion at ECF No. 43.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: February 9, 2024